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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,137

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Neil Berinstein

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1779

65626 7590 10/06/2009
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EXAMINER

RUSSEL, JEFFREY E

ART UNIT

PAPER NUMBER

1654

MAIL DATE

DELIVERY MODE

10/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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1. The amendments to the specification filed August 3, 2009 do not unambiguously identify the locations of the paragraphs to be amended, as required by 37 CFR 1.121(b)(1)(i). The amendment instructions use paragraph numbers from the corresponding U.S. Patent Application Publication; however, the examiner is examining the specification filed in this application, which does not use paragraph numbers. New amendment instructions must use the page and line numbers present in the specification filed in this application.

2. The use of the status identifier “Withdrawn” for claims 67 and 69 is incorrect, because these claims encompass the elected peptide species SEQ ID NO:7. If a claim encompasses an elected invention or species, the claim must be examined if it is not canceled. There is no authorized procedure for withdrawing such a claim from examination, other than by cancellation. The claim amendments must be re-submitted with corrected status identifiers for claims 67 and 69. (The examiner agrees that claims 36, 37, and 71 are properly identified as “Withdrawn”, as these claims no longer embrace the elected peptide species SEQ ID NO:7.)

3. The paper copy of the Sequence Listing referred to at page 10, second paragraph, of Applicants’ response filed August 3, 2009 has not been scanned into the Image File Wrapper. The examiner is not sure if Applicants are stating that they have submitted a copy of the Sequence Listing as published in U.S. Patent Application Publication 2003/0138365 to satisfy the requirement for a paper copy of the Sequence Listing. If so, and if the Sequence Listing was not otherwise specially marked, it is very likely that the Sequence Listing was not scanned and was discarded, because the Office does not scan U.S. Patent and U.S. Patent Application Publication references into the Image File Wrapper System. Also, to the extent Applicants might have submitted without alteration those pages of the U.S. Patent Application Publication which

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contain the sequence listing, the first page of the sequence listing would contain material other than part of the sequence listing, i.e. paragraphs [0086] - [0087] and Table V (see 37 CFR 1.823(a)(1)), and would lack the information required to be present in sections <110> through <151> of a sequence listing (see 37 CFR 1.823(b), table).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:30 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Cecilia Tsang can be reached at (571) 272-0562. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey E. Russel/
Primary Examiner, Art Unit 1654

JRussel
October 6, 2009